

St. Louis City Ordinance 62565

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 313

INTRODUCED BY ALDERMAN FREEMAN BOSLEY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the eastern 250 feet of the 15 foot wide east/west alley bounded by Gano Avenue on the north, Emily Street on the east, John Avenue on the south, and West Florissant Avenue on the west, in City Block 2481 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain condition on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A 15 foot wide tract of land in block 2481 of the City of St. Louis, Missouri, being the northeastern part of a 15 foot wide alley; bounded on the northeast by the southwestern line of Emily Street, 50 foot wide; bounded on the southwest by northwestern projection of the southwestern line of lot 14 in block 49 of John G. Bryans 2nd subdivision; bounded on the southeast by the northwestern line of lots 10 thru 14 in said block 49; and bounded on the northwest by the southeastern line of lots 5 thru 9 in said block 49; and being more particularly described as:

Beginning at the northermost corner of said lot 10; thence along said northwestern line of lots 10 thru 14 south 56 degrees west (assumed bearing) 250 feet; thence north 34 degrees 13 minutes 30 seconds west 15.00 feet to the southermost corner of said lot 5; thence along said southeastern line of lots 5 thru 9 north 56 degrees east 250 feet to said southwestern line of Emily Street; thence along said southwestern line of Emily Street south 34 degrees 13 minutes 30 seconds east 15.00 feet back to the point of beginning and containing 0.086 acres, more or less.

are, upon the condition hereinafter set out vacated.

SECTION TWO:

Petitioners are St. Louis Board of Education and St. Paul's Lutheran Church. The vacation will allow for the consolidation of property to accomodate the construction of the Bryan Hill School gymnasium addition.

SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR:

The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing

with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded. Further, such owner or owners shall within said time. Deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks or driveways, roadway drainage connection and inlets, grading, paving sidewalks and roadways and road signing; providing further the said owners, shall. Under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expenses, but in the event said owners fail to accomplish such within the time and according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN:

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance One Hundred Twenty (120) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
01/17/92	10/17/92	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/13/92			03/27/92	03/13/92
ORDINANCE	VETOED		VETO OVR	
62565				